

AO 91 (Rev. 11/11) Criminal Complaint

## UNITED STATES DISTRICT COURT

for the

Northern District of New York

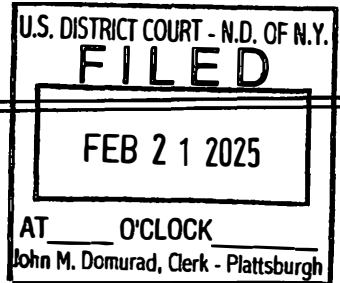
UNITED STATES OF AMERICA

v.

Fatos DERVISHAJ

Defendant.

Case No. 8:25-MJ-44 (GLF)



## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief. On or about the date(s) of February 20, 2025, in the county of Clinton in the Northern District of New York the defendants violated:

*Code Section*

8 U.S.C. § 1324(a)(1)(A)(ii) &amp; (v)(I)

*Offense Description*

The Defendant, knowingly and in reckless disregard of the fact that aliens have come to, entered, or remained in the United States in violation of law, did transport, move and attempt to transport and move, such aliens within the United States by means of transportation or otherwise in furtherance of such violation of law.

This criminal complaint is based on these facts:

☒ Continued on the attached sheet.

*D. Matthews* 2/20/2025 - 12:38 PM

*Complainant's signature*

U.S. Border Patrol Agent Dustin M. Matthews

*Printed name and title*

Attested to by the Affiant in accordance with Rule 4.1 of the Federal Rules of Criminal Procedure.

Date: 2/21/2025

*Gary L. Favro*

*Judge's signature*

City and State: Plattsburgh, New York

Hon. Gary L. Favro, U.S. Magistrate Judge

*Printed name and title*

*Continuation Sheet, United States v. Fatos DERVISHAJ*

This criminal complaint is based on the following facts:

On February 20, 2025, Border Patrol Agents (BPA) from the Burke Border Patrol Station were assigned line watch operations in Churubusco, New York driving marked Border Patrol vehicles. At approximately 12:40 A.M. Swanton Sector Radio Dispatch notified Border Patrol Agents via service radio of a border surveillance camera activation with visual of two individuals walking southbound from the United States/Canada international border directly north of Frontier Road.

While responding to the border surveillance camera activation, an agent who was monitoring cameras in the area advised BPAs of a second activation showing a vehicle was traveling back and forth on Frontier Road. As agents approached the intersection of US-11 and Lost Nation Road, agents observed a silver Chevrolet sport utility vehicle (SUV), driving south off Lost Nations Road onto US-11. Agents observed that the silver SUV was bearing New Jersey license plates and stopped in the middle of US-11 as it failed to stop at the stop sign at the intersection.

The silver SUV began to travel eastbound on US-11. Agents noticed that the vehicle was bearing New Jersey license plate M55 SLL. As agents caught up to the vehicle, agents noticed the vehicle speed up and to go above the posted speed limit. Agents also observed the front seat passenger appear to turn around inside the car and look toward the back of the car several times. At this time, agents could now also see arms, and hands in the back of the vehicle moving around.

Agents activated their emergency lights and sirens and pulled the silver SUV over to conduct an immigration inspection on the occupants inside. Agents identified themselves as a United States Border Patrol Agents and began questioning the occupants in the silver SUV. The driver (later identified as DERVISHAJ) became very nervous and quickly told agents they had gotten lost and that they were just coming back from Walmart. Agents asked the front seat passenger if that was true, the front passenger (later identified with initials I.D.) looked completely lost and gave no reply. Upon further questioning, the driver stated that I.D. did not speak English and that she was not from here. Agents observed that I.D.'s clothing had fresh snow all over her legs, DERVISHAJ stated that they pulled over along the side of the road for I.D. to use the restroom.

After several attempts to obtain truthful statements, the DERVISHAJ stated that the passengers were family from Kosovo, and they needed some help, so he was giving them a ride.

After a brief field interview, it was determined that all three passengers (later identified with initials: I.D, A.D. and A.D.) in the silver SUV had crossed the United States/Canada border without inspection and did not possess any legal documentation to be in or remain within the United States legally.

All four individuals were detained and transported back to the Burke Border Patrol Station for record checks, interviews and processing.

At the station, biographical information and fingerprints were entered into Department of Homeland Security databases for all four subjects. Record checks revealed that DERVISHAJ is a citizen of the United States. Record checks revealed that all three of the additional passengers in the silver SUV were citizens of Kosovo with no documentation to be in, passthrough or remain in the United States legally.